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Agenda items 34, 39 and 83

Security Council
Sixty-seventh year

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

The rule of law at the national and international levels

Letter dated 9 October 2012 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

In accordance with instructions received from the Government of the Republic of Azerbaijan, I have the honour to inform you that the Republic of Armenia is taking steps to operate Khojaly Airport in, and illegally use the airspace over, the territory of the Republic of Azerbaijan currently occupied by the Armenian armed forces. Recently, the Republic of Armenia, through its subordinate separatist regime in the occupied territory of Azerbaijan, has established the so-called "Artsakh Air Company" and manifested its intention to operate flights, including military ones, into and from Khojaly Airport (referred to by the Armenian side as "Stepanakert Airport"). Such attempts clearly display a manifest disregard for international law, undermine the peace process and aggravate regional security concerns.

In its resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), adopted in response to the illegal use of force against Azerbaijan and the occupation of its territories, the Security Council reaffirmed both the sovereignty and territorial integrity of Azerbaijan and the inadmissibility of the use of force for the acquisition of territory. It has further demanded the immediate, complete and unconditional withdrawal of the occupying forces from all the occupied territories of Azerbaijan. The General Assembly, in its resolution 62/243, and other international organizations have adopted a similar position.

The illegality of the separatist entity and its structures, set up by Armenia in the occupied territory of Azerbaijan, has been repeatedly stated at the international level. This entity is entirely unrecognized as such. It is under Armenia's direction and control.

The Government of the Republic of Azerbaijan wishes to inform the States Members of the United Nations that the so-called "Stepanakert Airport" is not an

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approved aerodrome under the legislation of Azerbaijan, nor is it a designated Customs airport in accordance with the Convention on International Civil Aviation. Consequently, all flights operated from and into that airport are illegal and violate the foundational principles and objectives of the International Civil Aviation Organization, constituting a flagrant violation of the Convention on International Civil Aviation, to which both Armenia and Azerbaijan are parties, in particular its articles 1, 2, 5, 6, 10-16, 24 and 68, which recognize that every State has complete and exclusive sovereignty over the airspace above its territory and spell out the fundamental principle inherent in such sovereignty, according to which no international air services of any kind for the purpose of taking on or discharging passengers, cargo or mail may be operated over or into the territory of a contracting State, except with special permission or other authorization by that State. Since the Republic of Azerbaijan, acting in the exercise of its sovereign right, has closed the airspace over its territory currently occupied by the Armenian armed forces for any aviation operations, no flight into or from the so-called "Stepanakert Airport" is authorized.

Having regard to the above-mentioned resolutions of the Security Council and the General Assembly, by which all States are called upon to respect and support the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders, the Government of the Republic of Azerbaijan requests that all countries take note of the illegal nature of the attempt by Armenia and its subordinate separatist regime in the occupied territory of Azerbaijan to operate the so-called "Stepanakert Airport" referred to above and, in compliance with the above-mentioned United Nations resolutions and the relevant provisions of the Convention on International Civil Aviation, take all necessary measures so that their designated carriers and all other airlines registered and licensed by them refrain from operating any air services, whether scheduled or non-scheduled, to the so-called "Stepanakert Airport" and from having any dealings whatsoever with the so-called "Artsakh Air Company".

It is clear that the unauthorized overflight of a State's territory by aircraft belonging to, or under the control of, the Government of another State directly infringes the principle of respect for territorial sovereignty and entails responsibility under international law. In this regard, the Republic of Azerbaijan reserves its right to take all measures necessary, in accordance with international law, to prevent the illegal use of its airspace, as well as to take any other appropriate legal actions against any foreign entities or its agents that try to enter into contract with and/or perform operations in relation to the functioning of the so-called "Stepanakert Airport".

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 34, 39 and 83, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

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Question of Cyprus

Security Council
Sixty-seventh year

Letter dated 8 October 2012 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 5 October 2012 addressed to you by Mr. Hilmi Akil, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(*Signed*) Ertuğrul **Apakan**
Ambassador
Permanent Representative

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Annex to the letter dated 8 October 2012 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 17 September 2012, addressed to you by the Greek Cypriot representative and circulated as a document of the General Assembly and the Security Council (A/66/909-S/2012/716), which yet again contains the usual allegations of violation of "international air traffic regulations and the national airspace of the Republic of Cyprus", and to bring to your kind attention the following.

In response to such pretentious claims, I wish, once again, to reiterate that flights inside the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full permission and knowledge of the relevant authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. It must be stated that assertions of so-called abuses of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services within its own national airspace.

As noted in our previous letters, such assertions are based on the false and illegal claim that the sovereignty of Greek Cypriot administration extends over the whole island, including the territory and national airspace of the Turkish Republic of Northern Cyprus. This pretentious contention by the Greek Cypriot side ignores the present realities on the ground, namely, the existence of two independent, self-governing States on the island of Cyprus, each exercising sovereignty and jurisdiction within its respective territory.

Continuous attempts by the Greek Cypriot side, through often-repeated false claims, to confer legitimacy upon an illegal administration will be futile since the Turkish Cypriot people will never give in to their unjust demands. What would indeed be conducive to a better atmosphere on the island would be for the Greek Cypriot side to stop misappropriating for itself the rights and responsibilities it does not legally have, and to cease its hostile and derogatory acts against the Turkish Cypriot people.

Moreover, the Greek Cypriot administration should be reminded that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey, and that its insistent denial of the Turkish Cypriot rights in the North of the island does not bode well for the prospects of finding a lasting settlement of the Cyprus conflict in line with the established United Nations parameters, namely a partnership based on a bi-zonal, bi-communal federation with the political equality of the two Constituent States.

I would like to put on record once again that despite the Greek Cypriot leadership's apparent lack of enthusiasm for compromise and its denial of the equal partnership rights of the Turkish Cypriots on the island, the Turkish Cypriot side is ready and doing its best, under the auspices of the Secretary-General, to achieve a just settlement in the form of a new partnership.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(*Signed*) Hilmi **Akil**
Representative
Turkish Republic of Northern Cyprus

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Identical letters dated 10 October 2012 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

Over the past three days, terrorists fired 37 more rockets into Israeli communities. The Hamas campaign of terror continues to strike our homes, schools and hospitals. While the people of southern Israel remain semi-permanent residents of bomb shelters, the permanent and semi-permanent members of the Security Council remain unable to speak with one voice against these attacks.

Last week, the Security Council showcased unprecedented efficiency when rockets were fired in the direction of another country in the Middle East — and rightly so. This is the Council's responsibility.

Meanwhile the Security Council has slept through more then 12,000 rocket attacks against Israelis over the past decade. We applaud the Council's condemnation last week — and expect the Council to act with the same speed and conviction to condemn the rocket fire targeting 1 million Israeli civilians.

I ask you — as the President of the Security Council — to condemn these rocket attacks in the same manner as last week's statement, without another day of delay.

Gaza terror begins and ends with Hamas, which took full responsibility for these attacks. What further evidence does the world need to hold Hamas responsible?

Israel has exercised — and will continue to exercise — its right to self-defence, as appropriate, and will take all necessary measures to protect its citizens.

I should be grateful if you would have the present letter distributed as a document of the Security Council.

(*Signed*) Ron **Prosor**
Ambassador
Permanent Representative

12-54353 (E) 151012

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Letter dated 11 October 2012 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

On instructions from my Government, I wish to convey to you the following information:

At 1145 hours local time on 5 October 2012, the Turkish Army fired artillery shells from Turkish territory at a military barracks in Tall Abyad, Raqqah, injuring two soldiers, one of whom is a lieutenant. Exercising maximum self-restraint, the Syrian armed forces did not return fire in response to this provocative action.

At 2000 hours local time on 6 October 2012, terrorists launched an armed attack against law enforcement personnel in Tall Abyad, while the Turkish Army simultaneously fired artillery shells towards Syrian territory, wounding two members of the law enforcement forces, one of whom is an officer.

This unprovoked aggression by the Turkish Government, in the face of which the Syrian authorities have exercised maximum self-restraint and refrained from responding in kind, leads us to wonder what are the real motives behind such conduct. We wonder whether the Turkish Government has decided to go beyond providing shelter, training and logistical support for the armed terrorist groups that are operating from its territory and is now directly providing them with military support and cover.

In drawing the attention of Security Council members to this dangerous regional matter, which threatens international peace and security, the Syrian Government hopes that the Council will shoulder its responsibilities by halting Turkey's violations and provocative actions towards Syria, in order to avoid creating conditions that would allow the armed terrorist groups that are active in areas along the Syrian-Turkish border to raise tensions and push things out of control by exploiting the military operations in Idlib governorate, along the countries' western border. Action by the Council would also avoid any potential fallout from clashes with terrorist groups, which are active on both sides of the border and receive logistical support from within Turkish territory, and avert the possibility of Turkish forces firing artillery shells at Syrian military positions in that area. The Syrian Arab Republic has thus far exercised self-restraint and refrained from responding to Turkish artillery bombardment. The Government would like to express its willingness to discuss the establishment of a Syrian-Turkish committee that would consider a mechanism to control the security situation on both sides of the border, while respecting the national sovereignty of both countries.

I should be grateful if the present letter could be circulated to Security Council members and issued as a document of the Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative